IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Misc. Application For Recall/Restoration No. 8235 of 2003.

On behalf of Vijayendra Kumar Mittal…….Applicant/petitioner

IN
Writ Petition No. 286 (S/B) of 2003

Vijayendra Kumar Mittal .... Petitioner

Versus

Uttaranchal Power Corporation through
Chairman/Managing Director, Urja Bhawan,
Kanwali Road, Dehradun and others. ..... Respondents

Hon'ble P.C. Verma,J.
Hon'ble Irshad Hussain,J.

Heard Sri L.P.Naithani, learned Sensior Advocate and Sri Sharad Sharma learned counsel for the applicant/petitioner as well as Sri Vinai Kumar Advocate holding brief of Sri Ranjeet Saxena, learned counsel for Respondent-Uttaranchal Power Corporation.

The application for re-call of order dated 02.08.2003 is allowed.

Now we proceed to decide the writ petition on merits.

This petition has been filed by the petitioner challenging the transfer order dated 18.12.2002, contained in Annexure No. 1 to the writ petition, on various grounds, inter alia, that the petitioner is a senior officer and has been posted on a post which is at par with the post of Sub-Divisional Officer. There is nothing in the order to support the inference drawn by the petitioner. From perusal of the impugned transfer order, it does not come out that emoluments and status of service of the petitioner has been changed in any manner. The petitioner has been retained in township of Roorkee (District-Hardwar) itself.

The learned counsel for the petitioner also alleged the malafide with the transfer order. In our opinion, malafide have no nexus with the transfer order. It is made clear that the respondents shall pay the same emoluments, which were being paid to the petitioner on the post on which he is posted.

The petition is dismissed with the aforesaid observations.

(**P.C. Verma,J.**) **(Irshad Hussain,J.)**

09.09.2003
P.Singh